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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/014,422 01/27/98 IWAMOTO

M 1344.1001/JD

EXAMINER

TM31/1024

STAAS & HALSEY
700 ELEVENTH STREET NW
SUITE 500
WASHINGTON DC 20001

HUYNH, C	
ART UNIT	PAPER NUMBER

2176

DATE MAILED:

10/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.
09/014,422

Applicant(s)
Iwamoto et al.

Examiner
Cong-Lac Huynh

Group Art Unit
2176



☒ Responsive to communication(s) filed on Aug 7, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8, 10-19, and 21-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8, 10-19, and 21-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. This action is responsive to communications: amendment filed on 08/07/00 to the application filed on 01/27/98.
2. Claims 9 and 20 are canceled.
3. Claims 23-26 are added.
4. Claims 1-8, 10-19, 21-26 are pending in the case. Claims 1, 12, 23 are independent claims.

Specification

5. The amendment filed 8/7/00 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the added limitation in claims 2 and 13 "limiting the range of the data to be displayed *by an operation in the graph*" is not supported in the specification. On page 3, the 5th and 6th paragraphs discuss limiting the range of data to be displayed, however the language does not refer to choosing the range by an operation in the graph. This language is not considered to be supported by the specification and therefore must be removed.

Applicant is required to cancel the new matter in the reply to this Office action.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1, 3-8, 10-12, 14-19, 21-26 remain rejected under 35 U.S.C. 102(a) as being anticipated by *Microsoft Excel 97* (hereinafter referred as Excel 97), Microsoft Corporation, 1997, pages 1-11. Examiner provides the article "Inside Microsoft Excel" as a evidence of the released date of Excel 97 which is 1/16/97 prior the priority date 6/20/97.

Regarding independent claim 1, Excel 97 discloses (on page 1):

- the cross tabulation in which the data which is set a range to be displayed is summed up (the sum of East row, West row, North row, South row, and the sum of January, February, March instead of summing from January to December in the database);
- the cells selected among the cells to constitute the cross tabulation (the cells in each row or each column);
- the graph for displaying the data selected within the range, here the range is from A1 to D4 (the graph for corresponding sampled data).

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Regarding claim 3, which is dependent on claim 2, Excel 97 discloses the cross tabulation to cross sum the data by:

-- selecting of cells in the row East, selecting the AutoSum icon to sum up the numbers in the cells of the East row (page 3), and repeating for rows West, North and South;

-- selecting of cells in the column January, selecting of the AutoSum to sum up the numbers in the cells of the January column (page 4), and repeating for columns February, March, and Total.

Regarding claims 4 and 5, Excel 97 discloses the rearranging of data according to a predetermined condition as "sort descending" by selecting the range A2 to D5 and selecting the Sort Descending icon. The data changed in the descending order (sequence East-West-North-South now changes to West-South-North-East) is summed up in the cross tabulation (pages 5 and 6).

Regarding claims 6 and 7, Excel 97 discloses the graph for the range selected from A1 to D4 (page 7 and the first graph in page 8). When selecting the new item South, the graph displayed is added the data for South (page 8, the second graph).

Regarding claim 8, the data analyzed is a collection of a number of data items (page 9, the highlighted data).

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Regarding claims 10-11, Excel 97 discloses the graph of extracted data in which data item displayed as an axis based on the data record (page 11; page 10; page 8, the first graph).

Claims 12, 14-19, 21-22 are mediums for the apparatus of claims 1-11, and are rejected under the same rationale.

Claims 23-26 include the limitations of claims 1, 2, 4, and 6 respectively, and are rejected under the same rationale.

Response to Arguments

8. Applicant's arguments filed 8/7/00 have been fully considered but they are not persuasive. Applicants arguments regarding claims 2 and 13 are moot in view of the new matter rejection.

Applicants argue that Excel 97 does not sample at random. The data sampled at random from the database is more advantageous than what is disclosed in Excel 97 since claim 1 can process at high speed, and it is not required to read all data in the database.

Examiner disagrees. Excel 97 does not require the system to read all data in the database. In this case, instead of reading data of twelve months in the database, a range from January to March are sampled to be displayed. The term "sampled at random" in claim 1 does not require, nor state

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that the data analysis support system itself selects the random sample, therefore the interactive sampling provided for in Excel 97 is considered to be equivalent.

Applicants also argue that Excel 97 does not disclose the limiting of the range of data to be displayed *by an operation in the graph* (claims 2 and 13).

Examiner disagrees. It is a new matter since the specification does not disclose that feature.

Instead the specification only discloses that "the range of the data to be displayed is limited by the display limiting device, only the data within the range which seems to be the cause of a problem can be displayed" (page 3, last paragraph). The language does not refer to choosing the range by an operation in the graph. This language is not considered to be supported by the specification and therefore must be removed.

Applicants also argue that Excel 97 does not disclose the automatical rearranging of the data *in the graph* to be displayed according to a predetermined condition.

Examiner disagrees. According to the predetermined condition such as "Descending" or "Ascending", the data summed up is changed, and therefore the data in the graph is automatically rearranged accordingly (as illustrated in pages attached to the office action).

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Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is (703) 305-0432. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this Art Unit is (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)


Or:

(703) 308-5403 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

clh

10/10/00


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
GROUP 2700